

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Bobby Swindell

Docket No. 5:06-CR-38-1FL

Petition for Action on Supervised Release

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bobby Swindell, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on April 18, 2007, to the custody of the Bureau of Prisons for a term of 92 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. The defendant shall pay a \$3,800 fine and a \$100 special assessment.

Bobby Swindell was released from custody on February 25, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: During a home inspection on October 23, 2014, the defendant admitted to the probation officer he recently used cocaine. According to the defendant, he was suffering with anxiety regarding an upcoming polygraph test, and made a bad decision to contact a female from his past. Consequently, he used cocaine with the female. The defendant submitted to urinalysis that resulted positive for cocaine. The defendant signed an admission form indicating he used cocaine on or about October 20, 2014. Swindell regrets this violation and accepts full responsibility for his actions.

Since his release from custody, Swindell has complied with the conditions of supervision, obtained the mental health and substance abuse assessments, reported as directed, and has submitted payments towards the court indebtedness as instructed. Additionally, he has faithfully attended sex offender treatment as instructed. The polygraph examination administered on October 30, 2014, indicated no signs of deception.

As a result of the violation, the probation officer respectfully recommends the conditions of supervised release be modified to allow the defendant to participate in a cognitive behavior program as directed by the probation officer. Additionally, the defendant will submit to increased drug testing and he will be scheduled for an appointment with a substance abuse counselor.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a Cognitive Behavior Program as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

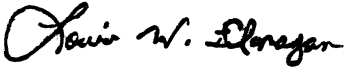
/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: November 6, 2014

Bobby Swindell
Docket No. 5:06-CR-38-1FL
Petition For Action
Page 3

ORDER OF COURT

Considered and ordered this 10th day of November, 2014, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "Louise W. Flanagan", written over a horizontal line.

Louise W. Flanagan
U.S. District Judge